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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,293	12/30/2004	Akihiro Kitagawa	04703/0202274-US0	9686

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EXAMINER	
TRAN LIEN, THUY	
ART UNIT	PAPER NUMBER
1794	

MAIL DATE	DELIVERY MODE
06/13/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/520,293	KITAGAWA ET AL.	
	Examiner	Art Unit	
	Lien T. Tran	1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 March 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Claims 1-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In the amendment filed 3/14/08, applicant amends claims 1, 2,7 to recite " a reciprocal of bulk density". The limitation does not have support in the original disclosure. The specification does not disclose anything about " a reciprocal of bulk density".

Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1,2,7, what does applicant mean by " a reciprocal of bulk density"; it is not clear what is intended by this.

Claim 11 is vague and indefinite; it is not clear what applicant intends to claim because the claim does not contain any feature or limitation and just recites a " crispness deterioration inhibitor for use in the method of claim 7" . Claim 7 already recites " a crispness deterioration inhibitor".

The new rejections are necessitated by amendment.

Claims 1,3,5-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miki et al in view of Caton, Meister, the article " Making the Most of Maltodextrin by Kunts" and applicant's admission of prior art.

Miki et al disclose a method for preparing a spring roll and a resulting spring roll product. The method comprises the steps of coating ingredient material over a wrap dough sheet, placing a filling on the dough sheet and rolling up the filling and ingredient material into a spring roll. The ingredient material includes polysaccharides and grain powders. Examples of polysaccharides include modified starch, processed starch such as heat-moisture treated starch and other starch product. Oil and fats may be contained in the food material containing the polysaccharides and powders. The ingredient material is coated onto the front and back surfaces of the dough sheet. The ingredient material also contains additives such as viscosity increasing agent in amount of not more than 10 wt%. The ingredient material is applied by spraying, brushing or with the aid of a roll or a sieve. The spring roll can be refrigerated or frozen before frying. The use of the ingredient material enables the product to maintain the crispy mouth feel touch after lapse of several hours after frying. (see col. 1 lines 35-40, columns 3-4.

Miki et al do not disclose the starch is a starch hydrolysate having the density as claimed, the amounts of the powders and starch hydrolyzate and and steaming the roll.

The article by Kuntz teaches that maltodextrins are hydrolyzed starch products that are useful as secondary film-formers when used in combination with starches and gums. They are used as coating for candies or on pizza crust where act as a moisture barrier between the crust and the sauce to resist moisture migration. (see page)

Caton discloses method of making starch hydrolyzate product such as maltodextrin having increased bulk density. Caton also discloses the product has

increased rate of solution compared to lower density product, dissolves without leaving scum. (see col. 3)

Meister discloses a composition containing maltodextrin. Meister shows that maltodextrin comes in different densities and the density affects the properties of the product. (see column 3 line 60 through col. 4 line 20)

Applicant discloses on page 7 that the process of making high density starch hydrolyzate is known as shown in JP 60-12399-b.

The new limitation " a reciprocal of bulk density" does not define over the prior art. It is not clear what applicant means by " a reciprocal of bulk density"; the specification only discloses " bulk density". The prior art above shows that maltodextrin can have varying densities which affect the properties. According to applicant's calculation, the claimed density must be in the range of about .3g/ml. Canton discloses on column 1 lines 34-40, " commercially available maltodextrins include a bulk bensity of .4-.7 g/cc". Thus, the claimed density is conventional. Spring roll is a dumpling because it is a product having a filling wrapped in a dough sheet. Miki et al teach other starch product can be used. It would have been obvious to one skilled in the art to use starch hydrolysate product such as maltodextrin disclosed in the article by Kuntz to enhance the objective of Miki et al because maltodextrin functions as a moisture barrier to prevent moisture migration. As shown by Caton, Meister and applicant's admission of prior art, maltodextrins are available or can be made to have different densities and the density gives different property to the products. Thus, it would have been obvious to one skilled in the art to select maltodextrin of any specific density depending on the

properties wanted. It would have been obvious to one skilled in the art to select maltodextrin or to make the maltodextrin to have a density which will give the most optimum barrier property to the product to obtain product having optimum crispness. Such parameter is a result-effective variable which can be determined by one skilled in the art through routine experimentation. It would also have been within the skill of one in the art to determine the proper amount to obtain optimum barrier property. It would have been obvious to use the ingredient material of Miki et al on other dumpling product including one obtained by first steaming such as gyoza, or wonton to obtain the benefit disclosed by Miki et al.

Claims 2, 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miki et al in view of Caton, Meister, the article " Making the Most of Maltodextrin by Kunts" and applicant's admission of prior art as applied to claims 1,3,5-13 above, and further in view of Haverkos et al.

None of the reference discloses adding dextrin.

Haverkos et al disclose a coating composition for foods. They teach to add maltose-free dextrin to the composition to promote the desirable crispiness in the final cooked product without greatly increasing the caramelization or excessive browning. The dextrin enhances the shell-like texture to lock in the moisture, flavor and heat and thus to extend the heat lamp holding time. (see col. 3 lines 10-21)

It would have been obvious to one skilled in the art to add dextrin to the ingredient material in Miki et al to obtain the benefits disclosed by Haverkos et al. It

would have been within the skill of one in the art to determine the proper amount through routine experimentation.

In the response filed 3/14/08, applicant argues Canton discloses a density of at least .5g/cc in which the reciprocal of bulk density is not higher than 2ml/g. This argument is not persuasive. It is not clear what applicant means by a reciprocal of bulk density. Applicant's instant specification only discloses the bulk density; there is no discussion on a reciprocal of bulk density. According to applicant's calculation, the claimed density must be in the range of about .3g/ml. Canton discloses on column 1 lines 34-40, " commercially available maltodextrins include a bulk bensity of .4-.7 g/cc". Thus, the claimed density is conventional. The secondary references to Kunts, Canton,Meister and applicant's admission of prior art are used to show that maltodextrin are known to have different densities which give different properties. Thus, it would have been obvious to select maltodextrin of specific density depending on the properties wanted. Maltodextrin is also shown by the secondary reference to be useful as moisture barrier; thus, its use in the Miki et al process will enhance the objective of Miki by preventing moisture absorption which enhances the crispness of the product. To this, applicant argues Miki would apply the inhibitor to the inner surface of the dough sheet which is the opposite of the invention. This argument is not persuasive. Applicant's attention is directed to column 3 lines 45-50 where Miki teaches that " the food material may be contacted with and attached to the dough sheet after rolling up the dough sheet". Thus, Miki does teach applying the powder material to the external surface of the dough.

Applicant's arguments filed 3/14/08 have been fully considered but they are not persuasive.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lien T. Tran whose telephone number is 571-272-1408. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

June 11, 2008

/Lien T Tran/

Primary Examiner, Art Unit 1794

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